

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ABRAHAM AGUIRRE.

Defendant.

No. 1:21-mj-00094-SAB-1

ORDER VACATING THE JANUARY 12,  
2024 HEARING AND DENYING THE  
UNITED STATES OF AMERICA'S  
MOTION IN LIMINE AS MOOT

(ECF No. 43, 44, 45)

On December 20, 2023, the Government filed a motion in limine arguing that the Defendant's amended expert disclosure fails to comply with Federal Rule of Criminal Procedure 16(b)(1)(C)(iii) because it fails to identify the "independent studies" on which the Defendant's expert relied. (ECF No. 43.) The Government requested that either the Defendant be required to disclose the studies or that any testimony relating to such studies be excluded at trial.

On December 27, 2023, Defendant filed a response noting his disagreement with the Government's interpretation of the disclosure rules but represented he nevertheless provided the Government with copies of the requested studies on December 22, 2023. (ECF No. 44.) Defendant requested that the Government's motion be denied as moot.

On December 28, 2023, the Government filed a statement confirming Defendant's production of the requested studies and stating it "considers its motion in limine moot." (ECF No. 45.)

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1 Accordingly, IT IS HEREBY ORDERED that the Government's motion in limine is  
2 DENIED as moot and the hearing set for January 12, 2024, at 9:00 a.m. in Courtroom 9, is  
3 VACATED.

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5 IT IS SO ORDERED.

6 Dated: **December 29, 2023**

  
UNITED STATES MAGISTRATE JUDGE